

FILED

SEP - 3, 2020

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH ROGERS,

Defendant.

4:20CR492 SRC/PLC

INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term:

(a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(a));

(b) "sexually explicit conduct" to mean actual or simulated

(i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex,

(ii) bestiality,

(iii) masturbation,

(iv) sadistic or masochistic abuse, or

(v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C.

§ 2256(2)(A)); and

(c) "computer" to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any

data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. § 2256(6)).

(d) “child pornography” to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(B) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct. (18 U.S.C. § 2256(8)).

2. The “Internet” was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. Between on or about March 31, 2020, and June 8, 2020, in the Eastern District of Missouri, and elsewhere,

KENNETH R. ROGERS

the Defendant herein, did knowingly distribute and/or receive material that contained image files of child pornography using any means and facility of interstate and foreign commerce, to wit the Defendant knowingly distributed and/or received image files of child pornography via the internet, to include but not limited to the following:

- a. “files\380ec51b-1b21-41a1-9178-c402b38fc4dc.mp4.mpg,” a video file depicting multiple adults performing oral sex on a toddler child, penetrating the toddler child’s genitals with an adult penis and touching the toddler’s genitals with adult hands.
- b. “file\80d74e8d-a66b-4a38-ad59-82e660ccaac.mp4.mpg,” a video file depicting an adult penetrating the anus of a toddler child with the adult’s penis; and
- c. “files\0da6c9ea-d743-4db4-8a24-9c22dc7d06fe.mp4.mpg,” a video file depicting a

prepubescent minor whose hands are bound above his head and tied to a post and his mouth is covered with tape who is being masturbated by an adult, in violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT II

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about March 31, 2020, and June 8, 2020, in Saint Louis County, Missouri within the Eastern District of Missouri and elsewhere,

KENNETH R. ROGERS,

the defendant herein, did use any facility and means of interstate commerce, and did knowingly attempt to persuade, induce, entice and coerce a minor under the age of eighteen, to engage in sexual activity for which any person could be charged with a criminal offense, to wit: the defendant, who was at least twenty-one years of age, communicated via the internet with an undercover law enforcement officer, who the defendant believed to be an adult man providing an opportunity for sexual activity with his fourteen-year old brother and who the defendant believed to be that fourteen-year old brother, and attempted to persuade, induce, entice and coerce such brother, who the defendant believed was a minor under the age of seventeen, to engage in sexual activity, in violation of Missouri Revised Statutes Sections 566.064 (statutory sodomy in the second degree), 566.071 (child molestation in the fourth degree) and 566.083 (sexual misconduct involving a child), in violation of Title 18, United States Code, Section 2422(b).

COUNT III

The Grand Jury further charges that:

On or about June 8, 2020, in Saint Louis County, Missouri within the Eastern District of Missouri and elsewhere,

KENNETH R. ROGERS,

the defendant herein, did knowingly travel in interstate commerce, from Illinois to Saint Louis County, Missouri, for the purpose of crossing one or more State lines to engage in a sexual act with a person under 16 years of age, at a time that the defendant was at least 4 years older than such person,

in violation of Title 18, United States Code, Section 2423(b).

A TRUE BILL.

FOREPERSON

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